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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

TERESA MARIE RYNCARZ  
1295 Paradise Drive  
Martinez, CA 94553

Respiratory Care Practitioner License No. 14552

Respondent.

Case No. 1H 2007 719

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 25, 2008, Complainant Stephanie Nunez, in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, filed Accusation No. 1H 2007 719 against Teresa Marie Ryncarz (Respondent) before the Respiratory Care Board.

2. On or about September 13, 1991, the Respiratory Care Board (Board) issued Respiratory Care Practitioner License No. 14552 to Respondent. The Respiratory Care Practitioner License expired on September 30, 2007, and has not been renewed.

3. On or about November 25, 2008, Andrea Pina, an employee of the Board, served by regular and certified mail, a copy of Accusation No. 1H 2007 719 and related documents, to Respondent's address of record with the Board, which was and is 1295 Paradise Drive, Martinez, CA 94553. A copy of the Accusation, the related documents, and Declaration

1 of Service are attached as Exhibit A, and are incorporated herein by reference.

2 4. Service of the Accusation was effective as a matter of law under the  
3 provisions of Government Code section 11505, subdivision (c).

4 5. Business and Professions Code section 118 states, in pertinent part:

5 "(b) The suspension, expiration, or forfeiture by operation of law of a license  
6 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
7 board or by order of a court of law, or its surrender without the written consent of the board, shall  
8 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the  
9 board of its authority to institute or continue a disciplinary proceeding against the licensee upon  
10 any ground provided by law or to enter an order suspending or revoking the license or otherwise  
11 taking disciplinary action against the license on any such ground."

12 6. Government Code section 11506 states, in pertinent part:

13 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
15 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
16 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

17 7. Respondent failed to file a Notice of Defense within 15 days after service  
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of  
19 Accusation No. 1H 2007 719.

20 8. California Government Code section 11520 states, in pertinent part:

21 "(a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions or  
23 upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent."

25 9. Pursuant to its authority under Government Code section 11520, the Board  
26 finds Respondent is in default. The Board will take action without further hearing and, based on  
27 Respondent's express admissions by way of default and the evidence before it, contained in  
28 Exhibits A, B, C, and D, finds that the allegations in Accusation No. 1H 2007 719 are true.

1                   10.     The Respiratory Care Board further finds that pursuant to Business and  
2 Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed  
3 for in the Accusation total \$1,111.00, based on the Certification of Costs contained in Exhibit D.

4                                   DETERMINATION OF ISSUES

5                   1.     Based on the foregoing findings of fact, Respondent Teresa Marie Ryncarz  
6 has subjected her Respiratory Care Practitioner License No. 14552 to discipline.

7                   2.     A copy of the Accusation and the related documents and Declaration of  
8 Service are attached.

9                   3.     The agency has jurisdiction to adjudicate this case by default.

10                  4.     The Respiratory Care Board is authorized to revoke Respondent's  
11 Respiratory Care Practitioner License based upon the following violations alleged in the  
12 Accusation:

13                         On December 24, 2008, she was convicted of Penal Code section 273.6(a)  
14 [violation of a court order] and Penal Code section 273.5 [domestic battery] and on December 7,  
15 2007, she was convicted of Penal Code section 148(a)(1) [resisting arrest.] The two convictions  
16 are in violation of code sections 3750(d), 3750(g), 3752 [substantially related conviction], 3752.5  
17 [conviction of a crime involving bodily injury] and CCR 1399.370(a).

18                         In addition, Respondent is in violation of code section 3750.5(a) [possession of a  
19 controlled substance] in that on December 23, 2007, she was in possession of Vicodin pills, a  
20 controlled substance, without a valid prescription.

21                  5.     Respondent is hereby ordered to pay the above costs of investigation and  
22 enforcement of this action.

23                                   ORDER

24                         IT IS SO ORDERED that Respiratory Care Practitioner License No. 14552,  
25 heretofore issued to Respondent Teresa Marie Ryncarz, is revoked.

26                         Respondent is ordered to reimburse the Respiratory Care Board the amount of  
27 \$1,111.00 for its investigative and enforcement costs. The filing of bankruptcy by Respondent  
28 shall not relieve Respondent of her responsibility to reimburse the Board for its costs.

Respondent's Respiratory Care Practitioner License may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on February 13, 2009.

It is so ORDERED January 14, 2009

Original signed by:

LARRY L. RENNER, BS, RRT, RCP, RPFT  
PRESIDENT, RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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DOJ Matter ID: SF2008200535

Attachments:

Exhibit A: Accusation No.1H 2007 719, Related Documents, and Declaration of Service

Exhibit B: 2008 conviction: Certified copies of Criminal Complaint titled *People of the State of California vs. Teresa Marie Ryncarz*, case no. 134866-3 filed in Superior Court, Contra Costa County; Order of Probation; Clerk's Docket and Minutes; Misdemeanor Advisement of Rights, Waiver and Plea Form

Exhibit C: 2007 conviction: Certified copies of Criminal Complaint titled *People of the State of California vs. Teresa Marie Ryncarz*, case no. 131374-1 filed in Superior Court, Contra Costa County; Order of Probation; Clerk's Docket and Minutes; Misdemeanor Advisement of Rights, Waiver and Plea Form

Exhibit D: Certification of Costs: Declaration of Catherine Santillan